

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JOSEPH DONNELL

PLAINTIFF

V.

CIVIL ACTION NO. 3:13CV761 DPJ-FKB

THE HARTFORD CENTRAL PROPERTY CLAIMS
REGION, ET AL.

DEFENDANTS

CONSOLIDATED WITH

HARTFORD UNDERWRITERS INS. CO.

PLAINTIFF

V.

CIVIL ACTION NO. 3:14CV344 DPJ-FKB

JOSEPH DONNELL

DEFENDANT

ORDER

This cause is before the Court on motion of *pro se* Plaintiff Joseph Donnell for additional time to comply with orders [83]. Donnell represents that he is recovering from cataract surgery. It is not clear from his motion if he is seeking additional time to respond to Defendants' motions for summary judgment [82, 84], or if he is seeking additional time to file his own motion for summary judgment. In any event, the Court will grant the request [83] and extend Donnell's deadlines until October 1. In addition, because Donnell is proceeding *pro se*, the Court will clarify the status of the case.

Both Donan Engineering Co. [82] and Hartford Central Property Claims [84] have filed motions for summary judgment pursuant to Federal Rule of Civil Procedure 56, contending that Donnell does not have evidence to support his claims. The Federal Rules of Civil Procedure provide that Donnell may now file a response in opposition to those motions for summary judgment, presenting evidence—not argument alone—supporting his claims. If he fails to

respond, the Court may grant Defendants' motions and dismiss the action. On the other hand, if he responds with evidence in support of his claims, the Court will consider the parties' submissions and decide if Donnell's claims should go to trial.¹

Consistent with this Order, Donnell should file his response to Defendants' two motions for summary judgment [82, 84] no later than October 1, 2015. Defendants' are then permitted to file rebuttal in support of their motions.

In addition, Donnell may file his own motion for summary judgment, if he chooses. Such a motion by the plaintiff would normally ask the Court to render judgment in his favor and against the defendants.

Consistent with this Order, if Donnell wishes to file his own motion for summary judgment, he must do so no later than October 1, 2015. Defendants will then be permitted to respond in opposition, and Donnell has the option to file a rebuttal in support of his motion.

SO ORDERED AND ADJUDGED this the 10th day of August, 2015.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

¹ This case is set for a bench trial, not a jury trial. *See* Civil Cover Sheet [1-15]. Accordingly, if all the parties file motions for summary judgment, the Court may decide to render a judgment based on those filings, forgoing a bench trial.